

REMARKS

Claim 13 is amended to claim that the broadcast received from a broadcaster may exist in two different coding formats. That is, that the same broadcast received from a broadcaster may be in a first format (such as MP3) and a second format (some other type of audio or video format). The importance to such an option is that the broadcast makes two encoding formats available. This option is implied in the specification where the claimed system selects a "valid encoded (such as MP3 or the like) frames from the data and placing the valid frames in a memory queue that is then router to the multiplexer 40" (see specification, page 11, lines 16-22).

Claim 14 is amended to incorporate the access processor that was previously in Claim 13.

Claim 15 is amended to incorporate the access processor that was previously in Claim 13.

New Claim 22 is added to claim that the first and second encoding formats are streamed audio formats. Support for this claim is found in the specification on page 3, lines 28-30, page 11, lines 16-22, and in other places.

New Claim 23 is added to claim that the first and second encoding formats are video formats. Support for this claim is found in the specification on page 3, lines 28-30, page 11, lines 16-22, and in other places.

New Claim 24 is added to claim that data comprises frames of data. Support for this amended is found in the specification on page 11, lines 16-22, and in other places.

New Claim 25 is added to recite a method claim corresponding to Claim 13.

No new matter was added in view of these amendments.

Rejection of Claim 13-16, 2, 3, 7, 8 and 12 under 35 USC § 103(a)

Claims 2, 3, 7, 8, 12 and 13-16 are rejected under 35 USC § 103(a) as being unpatentable over Monteiro et al. (U.S. Patent No. 5,778,187) in view of Kostreski et al. (U.S. Patent No. 5,734,589).

As amended, Claim 13 now claims that the claimed system has to select an encoding format, when a broadcast is transmitted in a first encoding format and a second encoding format. This operation is neither disclosed nor suggested in Monterio and Koterski, alone or in combination.

That is, the system of Claim 13 has to consider the encoding format of a broadcast when multiple formats for that broadcast exist. For example, when a broadcaster transmits data representing a broadcast in a first encoding format (such as MP3) and a second encoding format, the system has to resolve which format to select. The systems disclosed in Monterio and Koterski, alone or in combination, do not either consider or contemplate whether two different encoding formats comport to the same broadcast and which one is selected.

Applicants submit that the claimed feature of "a processor operable to select data in a first encoded format from a broadcast source from a multiple broadcast sources to concurrently provide broadcast multimedia program content to the system, wherein said broadcaster transmits data corresponding to a broadcast in said first encoding format and the same broadcast in a second encoding format" is not disclosed or suggest in Monterio and Koterski, alone or in combination.

In view of the above remarks to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Monteiro et al.

and Kostreski et al., when taken alone or in combination, showing the above discussed features. Since claims 2, 3, 7, 8, 12 and 14-16 are dependent on claim 13, it is further respectfully submitted that these claims are also patentable over Monteiro et al. and Kostreski et al., when taken alone or in combination for the same reasons as claim 13 discussed above. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claim 4-6 and 9-11 under 35 USC § 103(a)

Claims 4-6 and 9-11 are rejected under 35 USC § 103(a) as being unpatentable over Monteiro et al. in view of Kostreski et al. as applied to claim 13 above, and further in view of Srinivasan et al. (U.S. Patent Application Publication No. 2001/0023436).

In view of the above remarks to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Monteiro et al., Kostreski et al., and Srinivasan et al., when taken alone or in combination, showing the above discussed features. Since claims 4-6 and 9-11 are dependent on claim 13, it is further respectfully submitted that these claims are also patentable over Monteiro et al., Kostreski et al. and Srinivasan et al., when taken alone or in combination. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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A fee for a three month extension under 37 C.F.R. 1.136(a) which is being requested in this response is owed. Please charge Deposit Account 07-0832 for this fee and for any other fees owed in connection with this response to this account.

Respectfully submitted,
Barry Jay Weber et al.

By: 

Joel Fogelson
Reg. No. 43,613
Tel. No. (609)734-6809

Thomson Licensing Inc.
Patent Operations
PO Box 5312
Princeton, NJ 08543-5312
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